

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent Application of:

Docket No.: 07650007US

Carl Vernon Venters III, et. al.

Serial No.: 10/798,371

Group Art Unit: 2131

Confirmation No.: 6069

Filed: March 12, 2004

Examiner: Revak, Christopher A.

For: **SECURE STREAMING CONTAINER**

U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Amendment
 Randolph Building
 401 Dulany Street
 Alexandria , VA 22314

RESPONSE TO ELECTION / RESTRICTION REQUIREMENT

Sir:

In response to the March 14, 2005 Restriction Requirement, Applicants provisionally elect Group I, claims 1-36 and 58-106, drawn to creation of a secured streaming container classified in class 713, subclass 189, with traverse. Applicants provisionally withdraw non-elected claims 37-70 and 107-132, drawn to accessing portions/segments of a secured streaming container, classified in class 713, subclass 200. Reconsideration of the restriction requirement is respectfully requested in view of the following.

It is respectfully submitted that the subject matter of Group I and Group II is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. For example, the Examiner presents reasons why these Groups I and II are distinct inventions and states that Invention I (i.e., Group I) involves creation of a secured container through use of encryption and Invention II (i.e., Group II) is directed towards accessing portions/segments of a secured streaming container while other remaining portions/segments remain secure. However, Applicants submits that these concepts are substantially present in both Groups. For example, claim 58 (of Group I) links at least these two concepts (i.e., creation and accessing). Claim 58 recites, in part, "creating a digital container including at least streaming media content," and also includes "accessing the

secured streaming container." Moreover, claim 58 (Group I) and claims depending therefrom include most of the subject matter from Group II, in particular, accessing portions/segments of a secured streaming container while other remaining portions/segments remain secure. Clearly, it is necessary to search both subclasses to perform a proper examination.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without any burden since examination of Group I would necessarily require search of the subject matter of Group II. *See MPEP § 803* in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. Thus, withdrawal of the Restriction Requirement is respectfully requested.

It is not believed that any further extensions of time or fees are required. If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 23-1951** (McGuireWoods, LLP). Please charge any deficiencies in fees and credit any overpayment of fees to the same account.

Respectfully submitted,



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